IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO.398 OF 2004

Shri Narendra Chatim and another. ... Petitioners.

V/s

Dr. Vassudev Chatim. ... Respondent.

Mr. N. Costa Frias, Advocate for the petitioners.

Mr. V. Menezes, Advocate for the respondent.

CORAM: A.P. LAVANDE J.

DATE: 21ST APRIL, 2005.

ORAL ORDER

By this petition the petitioners challenge the order dated 9.7.2004 passed in Regular Civil Suit No.458/00/B by Civil Judge Senior Division, Mapusa allowing the application filed by Dr. Vassudev Chatim under Order I Rule 10 to be joined as legal representative of late Datta Chatim.

2. Heard Mr. Costa Frias for the petitioners and Mr. Menezes for the respondent. Learned Counsel for the petitioners states that by permitting Dr. Vassudev Chatim to be joined as legal heir of Datta Chatim, the Trial Court has already recorded the finding that Dr. Vassudev Chatim is the legal representatives

of late Datta Chatim which the Trial Court could not have done. According to the learned Counsel the impugned order is without jurisdiction and the Trial Court could not have allowed the application filed by Dr. Vassudev Chatim.

3. I have perused the records. I do not find any merit in the submissions of learned Counsel Mr. Costa Frias. In my opinion this is not a fit case to interfere under article 227 of the Constitution of India with the impugned order. However, whether Dr. Vassudev Chatim is the legal representative of late Datta Chatim shall be decided by the Trial Court on merit.

With the above observations, the Writ Petition stands dismissed with no order as to costs.

A.P. LAVANDE, J.

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